

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

DEC 02 2024

FILED

AUGUSTA DIVISION

RICKY ALLEN,

Plaintiff,

v.

RICHARD ROUNDTREE;

Defendants.<sup>1</sup>

CV 124-131

Plaintiff's "Amended"  
Civil U.S. 42, 1983  
"Complaint"

Comes now, The Plaintiff Pro-se and Respect-  
fully files his Amended Com Plain't.

See: Attached: 16 Page Complaint "Amended"

Thank You

Judge Brian Epps  
U.S. Dist Court South  
Dist. of GA.

*Ricky Allen*  
Date 11/29/24

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## UNITED STATES DISTRICT COURT

for the  
Southern District of Georgia

Division

Case No.

CV124- 131

(to be filled in by the Clerk's Office)

Ricky Allen

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Sgt. Tim Bzasa and Sheriff  
Richard Roundtree et al,

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

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**Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)**

**Defendant No. 3**

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

**Defendant No. 4**

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐

Federal officials (a *Bivens* claim)

☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Acting under the Color of Law, Biased-Based Profiling, Discrimination, Violation of 4<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup>, and 14<sup>th</sup> Amendments, Failure to abide by Oath of Office  
Failure to Supervise Employee, Failure to "Duty of Care", Misconduct of  
Sgt. Rzasca c. and Failure to  
Follow Department  
Policy

Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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4 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

**The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Bicky Allen

All other names by which  
you have been known:

ID Number

Current Institution

Address

N/A4017 Cottingham WayAugusta

City

GA

State

30909

Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Richard Roundtree Richmond County and  
(The Richmond County Sheriff's Dept)  
Sheriff of Richmond County, Richmond County

Shield Number

Employer

Address

Richmond County400 Walton WayAugusta

City

GA

State

30901

Zip Code



Individual capacity



Official capacity

Defendant No. 2

Name

Tim AzasaJob or Title (*if known*)Deputy Sergeant

Shield Number

B-42

Employer

Address

Richmond County400 Walton WayAugusta

City

GA

State

30901

Zip Code



Individual capacity



Official capacity

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Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee  
☐ Civilly committed detainee  
☐ Immigration detainee  
☐ Convicted and sentenced state prisoner  
☐ Convicted and sentenced federal prisoner  
☒ Other (explain) Civilian "Not" in custody

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

• See Statement of Claim Pages 5, 6, 7, 8, 9 of this document.

### **"STATEMENT OF CLAIM"**

In 2012 Richard Roundtree took office as The Sheriff of Richmond County and hired Lt. Steven Bell, Sgt. Tim Rzasa, and Sgt. Walter McNeil to work for him at Richmond County Sheriff's Office located at 400 Walton Way, Augusta, GA., 30901... Sheriff Richard Roundtree adopted a set of rules he and his deputies must follow which is contained in RSCO's Policy and the SOP for Special Duty Assignments...

At the time Sheriff Roundtree took office he had the disciplinary reports and employment history of Sgt. Tim Rzasa while employed at RSCO... Which extended from 1997 through 2020... Which provided Sheriff Roundtree an indication that Sgt. Tim Rzasa conduct was questionable and may not have been appropriate for him to have a special duty assignment... As a result Sheriff Roundtree's actions failed to provide Ricky Allen with a "Duty of Care" and <sup>violated</sup> Policy 1.1-1 "Oath of Office" to protect Ricky Allen from Sgt. Tim Rzasa's negligent intentional reckless conduct on 8/4/24.

Sheriff Roundtree employed Lt. Steven Bell on 8/4/24 to supervise Sgt. Tim Rzasa at a local grocery store on a Special Duty Assignment on 8/4/24, at 2:49 pm, at 3338 Wrightboro Rd, Augusta, GA., 30909 in Richmond County, Sgt. Tim Rzasa acted under the color of his Authority as a RSCO deputy Sgt., did storm up out of the blue from behind Allen's position, while Allen was holding his phone up in the direction of his property when Sgt. Rzasa intentionally seized Allen's property from a cashier and intentionally took unauthorized control over Ricky Allen's personal property totaling \$ 535.00 and intentionally stopped Allen's freedom

of movement... Sgt. Rzasa then threw Ricky Allen and his property out of the public space where there was no complaint from a citizen or a business to give Sgt. Tim Rzasa any authority to intentionally stop Allen's freedom of movement and/or to seize Allen's property without Allen's consent, Probable Cause, or any Articulable Reason of Suspicion to believe Allen had committed a criminal offense before having any contact with Allen or his property which goes against RCSO's policy and violates a clearly established constitutional fourth amendment right of Ricky Allen's as well as a few other constitutional rights regarding Allen's eight, and Fourteenth amendment constitutional rights.

**Sgt. Rzasa was reported on 8/4/24 inferring to Allen that he has had other people in the past threaten to, "report his conduct and then told Allen on 8/4/24 that he didn't care about Allen's complaint and/or Allen's rights"... Sgt. Rzas then berated Allen and his property across the very front of a crowded supermarket full of shoppers, employees, and on-lookers and then threw Allen and his property out of the store.**

*The fourth Amendment protects Ricky Allen from unreasonable searches and seizures by the government... What is considered unreasonable?... Without legal warrant signed by a judge ... Without Probable Cause... or Consent... Herein Allen alleges multiple constitutional violations Sgt. Tim Rzasa violated of his- his fourth, eight, and his Fourteenth amendment right.*

*The Eight amendment protects Allen from Cruel and unusual punishment, torture, deliberately degrading punishment...and*



*Punishment that belittles, humiliates, scares, or ridicules from government actors.*

*The Fourteenth amendment provides Allen with equal protection of the law.*

While on Special Duty Assignments the RCSO's SOP states that Sgt. Tim Rzasa may not have any contact with the citizens of Richmond County unless consent is given... RCSO's policy instructs deputies that they are to follow RCSO's policy while on Special Duty Assignments, and give no other consideration to the vendor and that RCSO's deputies on Special Duty Assignments may not act as , "Ushers".

In August 2024 Sheriff Roundtree employed Lt. Steven Bell to Supervise Sgt. Tim Rzasa at a Special Duty Assignment on 8/4/24 and 8/12/24 and Lt. Steven Bell did not follow RCSO's policy for Supervising and Reviewing the conduct of deputy Sgt. Tim Rzasa under RCSO's policy 1.1-1 "Oath of office, Policy 2.3-1 Responsibility and Accountability for delegated Authority" and Policy # 3.7-1 Incompetence/Insufficiency and negligent Supervision of Sgt. Tim Rzasa on 8/4/24 day of incident and 8/12/24 when he absolved Sgt. Tim Rzasa of violating department policy and Allen's rights to freedom of movement in the incident on 8/4/24 involving Ricky Allen's complaint he made to Sgt. Walter McNeil on August 5, 2024, when he provided Allen with a one page 3 paragraph review of Allen's complaint that took only 4 minutes from start to finish regarding his investigation into Allen's 8/4/24 complaint to Sgt. McNeil.



Sgt. Walter McNeil was hired by Richard Roundtree in August and October 2024 to work in RCSO's Internal Affairs Department and did intentionally provide Ricky Allen with less disciplinary incident reports on Sgt. Tim Rzasa than were reported to Sheriff Richard Roundtree from 1997 – 2020 regarding an open records report Allen requested from Sgt. Walter McNeil in August 2024 whereas Allen's request to Sgt. McNeil was that he be provided any and all Sgt. Tim Rzasa's prior disciplinary conduct reports but Sgt. McNeil only provided 6 reports which were insignificant in nature... Whereas in an open-records report from Glen Talley 535 Telfair Street, Augusta, GA., 30901 also in August 2024 revealed 7 more-more serious disciplinary conduct reports Sgt. Tim Rzasa has had while employed by Sheriff Richard Roundtree at RCSO from 1997 through 2024... In which case violates Sgt. McNeils's, "Oath of Office".... "Duty of Care"<sup>to</sup> Allen and to the public... and RCSO's Policies 1.2-1 Authority and Responsibility, 1.2-3 Procedures of Compliance with Constitutional Requirements, 1.2-9 Biased-Based Profiling, 2.3-1 Responsibility and Accountability for Delegated Authority, 3.7-1 Incompetence/Insufficiency... Inssobordanation... Negligent Supervision.

RCSO's Sheriff Roundtree and his appointed deputies are bound by Policies 1.1-1 "Oath of Office", 1.2-1 Authority and Responsibility, 1.2-3 Procedures of Compliance with Constitutional Requirements, 1.2-4 Search and Seizure, 1.2-7 Use of Discretion, 1.2-9 Biased-Based Profiling, Reasonable Force Defined, 2.3-1 Responsibility and Accountability for Delegated Authority, 2.5-1 Authority of the Sheriff, 3.7-1 Incompetence/Insufficiency...

*and The U.S. Constitution.*

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Insubordination...Misuse of Force/Mistreatment and Negligent Supervision and Discourteous and Rude Conduct...and The SOP for Special Duty Assignments for RCSO deputies... However, Sheriff Roundtree, Lt. Steven Bell, nor did Sgt. Walter McNeil follow and/or abide by in resolving Allen's complaint on 8/5/24.

None of the actors who has been named in this complaint has followed RCSO's Policy in dealing with Allen's complaint which violates Allen's Fourth, Eight, and Fourteenth amendment constitutional rights.

After Allen was unlawfully trespassed from the store by Sgt. Rzasa, Allen called 911 to report the incident attempting to describe his aggressor to the 911 operator Allen asked Sgt. Rzasa for his identification but it is heard and depicted in the 911 audio that Sgt. Rzasa refused to ID himself to Allen and kept on walking off ... Allen called his <sup>Wife</sup> Kathy Allen and his daughter Georgia Jackson while waiting for the police to arrive because he was afraid for his safety.

As a result of Sgt. Tim Rzasa and Sheriff Richard Roundtree's actions, Ricky Allen and his family has suffered emotionally, physically, and mentally with high levels of stress and anxiety brought on by Sgt. Tim Rzasa's conduct on 8/4/24 at a local grocery store where he and other RCSO employees failed and/or did not follow their bosses policy after Sheriff Roundtree

. had clear knowledge of Sgt. Tim Rzasa's conduct from 1997 -2024 but still gave him a Special Duty Assignment dealing directly with the citizens of Richmond County.

## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☐ No

N/A

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

N/A

- E. If you did file a grievance:

1. Where did you file the grievance?

1<sup>st</sup> Complaint Filed To: {Richmond County Sheriff's}  
Complaint Filed on 8/5/24 To Sgt McNeal "Internal Affairs"

2. What did you claim in your grievance?

The same as described in Pages 4-1 - 4-15 Statement of Facts.

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

N/A

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**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

N/A

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

N/A

☐ Do not know

If yes, which claim(s)?

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C. What date and approximate time did the events giving rise to your claim(s) occur?

8/04/2024

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See inserted Pages 5, 6, and 7

#### V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Severe Anxiety, Emotional Distress, Post Traumatic Stress, "Pain and Suffering", Sleeplessness, Depression, Hypervigilance to Law Enforcement, A lack of Trust for Law Enforcement, and Defamation of Character

#### VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

- 1.) Awarded \$1,500,000<sup>00</sup> From Richard Roundtree and The Richmond County Sheriff's Dept. and
- 2.) \_\_\_\_\_
- 3.) Awarded \$1,500,000<sup>00</sup> From Sergeant Tim Bzasa

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**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

11/29/2024

Signature of Plaintiff

Rick Allen

Printed Name of Plaintiff

Ricky Allen

Prison Identification #

N/A

Prison Address

4017 Cottingham WayAugusta

City

GA

State

30909

Zip Code

**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

(260) 348-8363

E-mail Address

allenricky1019@yahoo.com

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## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☐ Yes☒ No N/A

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

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## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition.

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Complaint Filed With Sgt. McNeal Internal Affairs

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

See Complaint Filed on 8/15/24 "Attached" (11 Pages)

## G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

See Complaint Filed on 8/15/24 "Attached" (11 Pages) Exhibit "A"  
 (Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

## VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

Hand delivered to Mr. T. Hays on 12/2/24 under the protection of prison do I Rely After Saver  
Perkins (16) of (16)  
12/2/24